

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

_____)	
DR. ROBERT W. MALONE,)	
)	
Plaintiff,)	
v.)	Case No. 3:22-cv-63
)	
PETER R. BREGGIN, MD,)	
GINGER ROSS BREGGIN,)	
AMERICA OUT LOUD,)	
DR. JANE RUBY)	
)	
-and-)	
)	
RED VOICE MEDIA,)	
)	
Defendants.)	
_____)	

**DECLARATION OF RONNIE BITMAN IN SUPPORT OF
DEFENDANT, DR. JANE RUBY'S, MEMORANDUM ON ATTORNEY'S FEES**

I, Ronnie J. Bitman, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am the managing partner in the law firm of Bitman O'Brien & Morat, PLLC, and an attorney for Defendant Dr. Jane Ruby in the above-captioned action.
2. I submit this declaration to annex documents relevant to Defendant's Memorandum in Support of Dr. Jane Ruby's Request for Attorney's Fees.
3. Annexed hereto as **EXHIBIT 1** is a true and correct copy of email correspondence that I sent to Attorney Evan Mayo, dated October 24, 2023.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 8, 2024

/s/ Ronnie Bitman
Ronnie Bitman, Managing Partner
Bitman O'Brien & Morat, PLLC
Florida Bar No.: 0744891 (admitted pro hac)

Allison Morat

Subject: FW: Activity in Case 3:22-cv-00063-NKM-JCH Malone v. Breggin et al
Attachments: Malone v WP Judge Moon Memorandum Opinion.pdf

From: Ronnie Bitman
Sent: Tuesday, October 24, 2023 11:35 AM
To: evan.mayo@tremblaysmith.com
Cc: Braxton Hill <bhill@merrittfirm.com>; Craig Merritt <cmerritt@merrittfirm.com>; Alexandria Crown <acrown@bitman-law.com>
Subject: FW: Activity in Case 3:22-cv-00063-NKM-JCH Malone v. Breggin et al

Mr. Mayo –

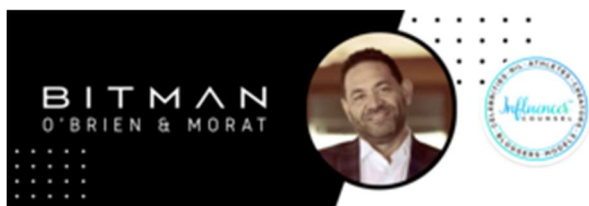
I wanted to introduce myself and welcome you to this matter. I represent Dr. Ruby as a defendant in this case. Below is my contact information. I have included our local counsel, Craig Merritt and Braxton Hill on this email.

The matter is currently stayed [Doc. No. 59] and I would ask that we jointly notify the court that it should lift the stay given your appearance. I understand you may need some time to get up to speed.

I will, however, advise that judge Moon recently issued an opinion in the matter of *Malone v. Washington Post* that I believe is dispositive of our case. Moreover, the court warned your client that pursuing similar types of cases may result in issuance of attorneys' fees. I am attaching Judge Moon's opinion here for your consideration. *Malone v. Washington Post*, 3:22-cv-00046-NKM-JCH [doc. 24] at p. 19 of 19 ("if [Dr. Malone] continues to bring defamation actions like those that have been dismissed, there will come a time when his lawsuits might fairly be deemed frivolous and awarding attorney fees is appropriate.")

After you have an opportunity to review, I am happy to set a call to address, to determine if your client will dismiss this matter, or if you read this new opinion differently than I do. If you are intent on proceeding, we will need to ask the court to reset our motion to dismiss for hearing.

In any event, please advise if you need any docket materials or if you would like to schedule a call to discuss. Thank you.



Ronnie Bitman
Managing Partner
407-815-3110
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615 Crescent Executive Ct., Suite 212
Lake Mary, FL 32746



From: ecfnoticing@vawd.uscourts.gov <ecfnoticing@vawd.uscourts.gov>
Sent: Monday, October 23, 2023 11:46 PM

Ex. 1

To: vawd_ecf_nef@vawd.uscourts.gov

Subject: Activity in Case 3:22-cv-00063-NKM-JCH Malone v. Breggin et al

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U.S. District Court

Western District of Virginia

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Case Name: Malone v. Breggin et al

Case Number: [3:22-cv-00063-NKM-JCH](#)

Filer: Robert W. Malone

Document Number: [61](#)

Docket Text:

NOTICE of Appearance by Evan Davis Mayo on behalf of Robert W. Malone (Mayo, Evan)

3:22-cv-00063-NKM-JCH Notice has been electronically mailed to:

Craig Thomas Merritt cmerritt@merrittfirm.com, jashley@merrittfirm.com

Evan Davis Mayo evan.mayo@tremblaysmith.com, caitlyn.barrett@tremblaysmith.com

Ronnie Bitman rbitman@bitman-law.com, acrown@bitman-law.com

Rowland Braxton Hill, IV bhill@merrittfirm.com

Steven Scott Biss stevenbiss@earthlink.net

William M Stanley, Jr rsmith@vastanleylawgroup.com, ajohnson@vastanleylawgroup.com,
bstanley@vastanleylawgroup.com

3:22-cv-00063-NKM-JCH Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1052918722 [Date=10/23/2023] [FileNumber=4318803-0] [2bc66c4ed21caa3fdd0147172fcd0cfa1c29a22fb6986b79a30fafc25146b6ea693b8d72262baaacb065c607fde37a1cd9e917ea032d147304572823a5d33542]]

External Email. Please use caution when clicking on links or attachments.